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Attorneys for Defendants

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

PATRICIA DESANTIS, individually and as  
Successor in Interest for RICHARD  
DESANTIS, deceased, and as Guardian Ad  
Litem for DANI DESANTIS,

Plaintiffs,

v.

CITY OF SANTA ROSA, *et al.*,

Defendants.

Case No.: C 07 3386 JSW

**STIPULATION AND ~~[PROPOSED]~~**  
**ORDER TO VOLUNTARILY DISMISS**  
**DEFENDANTS TRAVIS MENKE AND**  
**PATRICIA MANN UNDER FRCP RULE**  
**41(a)(2)**

Courtroom 11, 19th floor  
Judge: Jeffrey S. White

**STIPULATION**

It is hereby stipulated and agreed upon by and between the plaintiffs Patricia DeSantis and Adrienne DeSantis and defendants City of Santa Rosa, Rich Celli, Travis Menke and Patricia Mann that plaintiffs, pursuant to FRCP 41(a)(2), dismiss defendants Travis Menke and Patricia Mann from this action because Richard Celli fired the rifle round that resulted in the death of Richard DeSantis. The parties also stipulate and agree to bear their own costs with respect to costs attributable to Travis Menke and Patricia Mann. Defendant reserves its right to argue the appropriateness of any attorney fee award in the event plaintiff obtains a judgment in its favor.

IT IS SO STIPULATED.

Dated: September 17, 2012

**SCOTT LAW FIRM**

By: /s/ John H. Scott  
John H. Scott  
Attorney for Plaintiffs

Dated: September 17, 2012

**LAW OFFICES OF JOHN L. BURRIS**

By: /s/ Ben Nisenbaum  
Ben Nisenbaum  
Attorney for Plaintiffs

Dated: September 17, 2012

**CITY OF SANTA ROSA**

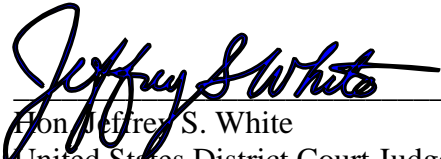
By: /s/Caroline Fowler  
Caroline Fowler  
Attorney for Defendants

**ORDER**

Pursuant to Fed. R. Civ. P., Rule 41(a)(2) and the above Stipulation, defendants Travis Menke and Patricia Mann are hereby dismissed from the within action with prejudice.

**IT IS SO ORDERED.**

Dated: September 18, 2012

  
Hon. Jeffrey S. White  
United States District Court Judge